

Wetlands Bureau Decision Report

Decisions Taken
07/26/2010 to 08/01/2010

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2009-02422 DUNBAR TRUST, BONNIE
ALTON Lake Winnepesaukee

Requested Action:

Dredge 174 cubic yards of material deposited during flood event from 3608 sq ft of the bed of Lake Winnepesaukee and Beaver Brook, in Alton.

Conservation Commission/Staff Comments:

Con Com has no concerns

Inspection Date: 06/02/2010 by Dale R Keirstead

APPROVE PERMIT:

Dredge 174 cubic yards of material deposited during flood event from 3608 sq ft of the bed of Lake Winnepesaukee and Beaver Brook, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Steven Smith Associates, modified by Stoney Ridge Environmental revision dated October 01, 2009, as received by the NH Department of Environmental Services (DES) on June 24, 2010.
2. A Wetland Scientist shall monitor the excavation work to ensure dredge does not remove sediments not recently deposited, dredge depth shall not exceed the original lake or stream bed nor dredge below the contour indicated on the approved plan.
3. This permit is a one time permit to dredge sediments deposited during a storm event. Future dredge to maintain the dredged area will not be approved.
4. All dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This permit does not allow dredging for to create boat slips.
6. Work shall be done during low flows.
7. No work shall be conducted during any storm events. Work may only be resumed after flows from storm events have subsided to pre-storm levels.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(g), removal of more than 20 cubic yards of rock, gravel, sand, mud, or other material from public waters.
2. The need for the proposed impact is to restore critical habitat for aquatic species and has been supported New Hampshire Fish and Game.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 02, 2010. Field inspection verified the area of sediment deposition.
6. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the lacustrine resource, as identified under RSA 482-A:1.
7. The proposed dredge area will not impact the abutters docking structure or navigation to their dock.

-Send to Governor and Executive Council-

2009-02651 SELLERS, DAVID
TUFTONBORO Lake Winnepesaukee

Requested Action:

Dredge 105.8 cubic yards to construct a two slip 25'x 36' dug-in boathouse with additional 370 sq. ft. overhang, placement of riprap for bank stabilization, install a 6'x 34' L-shaped piling dock with a 4'x 18' extension.

Conservation Commission/Staff Comments:

Con Com submitted comments about volume of dredge and may not be best location for boathouse

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Dredge 105.8 cubic yards to construct a two slip 25'x 36' dug-in boathouse with additional 370 sq. ft. overhang, placement of riprap for bank stabilization, install a 6'x 34' L-shaped piling dock with a 4'x 18' extension

With Findings:

1. A request for additional information dated January 25, 2010, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days or the time limit provided by the time extension request, and therefore the application has been denied.

2010-00816 NH DEPT OF TRANSPORTATION
DIXVILLE Unnamed Stream

Requested Action:

Reclaim/ reconstruct 3.3 miles of roadway to provide 11 ft. lanes and 4 ft. shoulders, rehabilitate two bridges, replace a 24 in. culvert and twin 60 in. culverts, replace a 36 in. x 35 ft. culvert with a 36 in. x 55 ft. culvert, replace a 36 in. x 55 ft. culvert with twin 24 in. x 55 ft. culverts, and impacting 6,720 sq. ft. (522 sq. ft. temporary) of riverine and palustrine wetlands.

Inspection Date: 05/26/2010 by Gino E Infascelli

APPROVE PERMIT:

Reclaim/ reconstruct 3.3 miles of roadway to provide 11 ft. lanes and 4 ft. shoulders, rehabilitate two bridges, replace a 24 in. culvert and twin 60 in. culverts, replace a 36 in. x 35 ft. culvert with a 36 in. x 55 ft. culvert, replace a 36 in. x 55 ft. culvert with twin 24 in. x 55 ft. culverts, and impacting 6,720 sq. ft. (522 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #15605.

With Conditions:

1. All work shall be in accordance with:
 - a. Plans by NHDOT Bureau of Highway Design dated 6/30/2010, as received by the Department on July 1, 2010 and
 - b. Corrected plans locating jurisdictional areas at or near STA 106 and 237+25 (sheets 4, 5 and 10 of 11 dated 7/9/2010) as received by the Department on July 16, 2010.
2. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with DES Land Resources Management Program staff at the DES Office in Concord, N.H. to review the conditions of this wetlands permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
3. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES

Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.

4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Construction equipment shall not be located within surface waters.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
12. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
13. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
14. The impacts associated with the temporary work shall be restored immediately following construction.
15. At STA 110+50 the culvert inverts shall be replaced at the same elevations so as to maintain a low flow through the northerly culvert.
16. Placement of stone used for stabilization at culvert locations shall be minimized wherever practicable and shall not impede fish passage.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(a), projects impacting more than 200 linear feet of stream channels and their banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The Department of Environmental Services (DES) Staff conducted a field inspection of the project area on May 26, 2010. Field inspection determined that the plans required corrections to the location of jurisdictional areas, but that the project will provide safety improvements for the general public.
6. DES staff met with the applicant on July 8, 2010 to explain that the accurate portrayal of the streams, banks and wetland locations is important so the contractor is aware of the jurisdictional areas.
7. DES Staff finds that this project will not have a significant impact on these riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1. Therefore, a public hearing is not required.

MINOR IMPACT PROJECT

2006-01331 NH FISH AND GAME DEPT
HOOKSETT Merrimack River

Requested Action:

Amend permit to include additional rip rap to the south of the ramp.

Conservation Commission/Staff Comments:

No comments by Con Com by August 11, 2006

APPROVE AMENDMENT:

Amend permit to read: Impact 3750 sq ft of river bank to repair and re-align an existing concrete boat ramp, stabilize 80 linear ft of eroded bank with rip rap and rip rap a previously installed culvert outlet as previously permitted under permit number 1998-00073, install 170 linear feet of rip rap in 2770 sq ft on the bank south of the boat ramp, on the Merrimack River, Hooksett.

With Conditions:

1. All work shall be in accordance with plans by Fay Spofford and Thorndike LLC dated August 20, 2003, revision date March 07, 2006, as received by the Department on May 30, 2006, and amended plans by Fay Spofford and Thorndike LLC revision dated April 04, 2010, as received by the Department on April 13, 2010.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that the "existing structures" were not previously permitted or grandfathered.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation and erosion controls, including a turbidity curtain, shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. Work shall be done during low flow.
13. Area shall be regraded to original contours following completion of work.
14. Upland and bank areas landward of the boat ramp shall not be disturbed by regrading or filling, to minimize the potential for erosion of materials into Merrimack River.
15. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the ramp will take place.
16. The ramp approach shall be crowned so that drainage is directed away from the slope of the ramp.
17. The boat ramp shall be utilized indefinitely as a public access to Merrimack River and shall not change in use.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
20. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that disturb less than 200 linear feet of a river channel or its banks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project during August 2006. Field inspection determined the proposed repairs are the least impacting alternative.
6. Vegetative stabilization of the area of impact for the amendment has failed on two prior planting attempts.

2009-02730 SANDY POINT REALTY TRUST
WAKEFIELD Pine River Pond

Requested Action:

Replace an existing railroad tie retaining wall with concrete block wall.

Conservation Commission/Staff Comments:

No Con Com comments by Feb 02, 2010

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Replace an existing railroad tie retaining wall with landscape blocks

With Findings:

1. A request for additional information dated February 02, 2010, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2009-03025 KMITO, LOUIS & MARTHA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration of the Department's May 3, 2010 decision to deny the request to remove the existing nonconforming docking structure and construct a new nonconforming docking structure.

APPROVE RECONSIDERATION:

Reconsider and approve request to: Remove an existing h-shape seasonal docking providing 3 slips, construct two 4 ft x 4 ft concrete pads, and install two 5 ft 11.5 in x 40 ft seasonal piers connected by a 4 ft x 10 ft walkway in a 3 slip, U configuration with a seasonal boatlift in the north slip on an average of 100 ft of frontage on Long Island, Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans labeled "Existing Conditions" by Watermark Marine Construction as revised April 13, 2010 and received by the NH Department of Environmental Services (DES) on April 20, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. These shall be the only structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. All seasonal structures shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. This permit does not allow dredging for any purpose.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of 3 slip docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project will not increase the number of boat slips provided on the frontage.
6. The Applicant has met the criteria of Part Env-Wt 204, Waivers, for the granting of a waiver of Rule Env-Wt 402.21, Modification of Existing Structures.

2010-00262

FALZONE, JAMES & NOREEN

CHICHESTER Suncook River

Requested Action:

After-the-fact proposal to retain 533 sq. ft. of rip rap placed along the bank of the Suncook River to stabilize the bank adjacent to the concrete weir/control structure for the USGS flood water gauge station.

APPROVE AFTER THE FACT:

After-the-fact approval to retain approximately 533 sq. ft. of rip rap placed along the bank of the Suncook River and add additional coir fiber logs, fiber netting and plantings to stabilize the bank adjacent to the concrete weir/control structure for the USGS flood water gauge station.

With Conditions:

1. All work shall be in accordance with plans by Meridian Land Services, Inc., revision date of July 1, 2010, as received by the NH Department of Environmental Services (DES) on July 2, 2010.
2. Remaining work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. The applicant/agent shall submit a follow-up monitoring report to DES by September 1, 2011 documenting that the stabilization work is complete and the proposed plantings were successful.
5. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
6. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n). For intermittent streams, this distance shall be measured along the thread of the channel. For perennial streams or rivers, the total disturbance shall be calculated by summing the lengths of disturbances to the channel and the banks
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The repairs are needed to protect a vital structure used for predicting flood events.

2010-00675 DAPKUS, MICHAEL
NEW DURHAM Merrymeeting Lake

Requested Action:

Permanently remove an existing boat ramp, and construct a 620 sq ft perched beach on an average of 126 ft of frontage on Merrymeeting Lake, in New Durham.

Conservation Commission/Staff Comments:

No comments from Con Com by May 26, 2010

APPROVE PERMIT:

Permanently remove an existing boat ramp, and construct a 620 sq ft perched beach on an average of 126 ft of frontage on Merrymeeting Lake, in New Durham.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group revision dated July 13, 2010, as received by the NH Department of Environmental Services (DES) on July 15, 2010.
2. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. All dredged material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 648.5). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
6. The steps installed for access to the water shall be located completely landward of the normal high water line.
7. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
8. This permit shall be used only once, and does not allow for annual beach replenishment.
9. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
10. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.04(g), removal of no more than 20 cubic yards of material from public waters.
2. The removal of a boat ramp and the installation of a perched beach is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

2010-00718 DELUCA, MARION
WINDHAM Unnamed Stream

Requested Action:

Install three 4 ft x 24 ft seasonal docks connected to a 4 ft x 36 ft seasonal walkway in a "W" configuration, accessed by a 4 ft x 6 ft seasonal walkway, install 2 seasonal PWC lifts in the northerly slip, install a seasonal boatlift in one of the center slips, and install a seasonal boatlift with a 10 ft x 24 ft seasonal canopy in the southerly slip, on an average of 304 ft of frontage on Cobbetts Pond, in Windham.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Install three 4 ft x 24 ft seasonal docks connected to a 4 ft x 36 ft seasonal walkway in a "W" configuration, accessed by a 4 ft x 6 ft seasonal walkway, install 2 seasonal PWC lifts in the northerly slip, install a seasonal boatlift in one of the center slips, and install a seasonal boatlift with a 10 ft x 24 ft seasonal canopy in the southerly slip, on an average of 304 ft of frontage on Cobbetts Pond, in Windham.

With Conditions:

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on June 18, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 34 feet from the shoreline at full lake elevation.
6. The seasonal personal watercraft lifts shall be removed for the non-boating season.
7. The seasonal boat lifts shall be removed for the non-boating season.
8. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c), installation of a docking system that exceeds rules for minimum impact docking structures.
2. The applicant has an average of 304 feet of shoreline frontage along Cobbetts Pond.
3. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2010-01428 GOWLAND, CHRISTOPHER & DAPHNE
ALTON Lake Winnepesaukee

Requested Action:

Repair an existing 6 ft x 30 ft piling supported dock with a seasonal boat lift in the westerly slip, add 4 tie off piles, and a 3 pile ice cluster on an average of 100 ft of frontage on Lake Winnepesaukee, in Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 6 ft x 30 ft piling supported dock with a seasonal boat lift in the westerly slip, add 4 tie off piles, and a 3 pile ice cluster on an average of 100 ft of frontage on Lake Winnepesaukee, in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated May 27, 2010, as received by the NH Department of Environmental Services (DES) on June 03, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of

- the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
 4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
 5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
 6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
 7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
 8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
 9. The seasonal boatlift shall be removed for the non-boating season.
 10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(m), installation of new tie off piles, ice clusters, or dolphins which do not, by their presence, add boat slips to an existing docking structure.
2. The tie off piles will provide safe dockage on this island property.
3. The applicant has an average of 100 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2010-01573 ANTHONY, MARK
WOLFEBORO Sargents Pond

Requested Action:

Construct a 6 ft x 30 ft walkway over public waters to a 6 ft x 30 ft seasonal dock on Sargents Pond, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com did not sign Exp Application

DENY PERMIT:

Construct a 6 ft x 30 ft walkway over public waters to a 6 ft x 30 ft seasonal dock on Sargents Pond, Wolfeboro.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(d), construction of a 2 slip docking facility which is in part permanent.
3. In accordance with RSA 482-A:11,II "Decisions of the department or council under this chapter shall be consistent with the purposes of this chapter as set forth in RSA 482-A:1. Before granting a permit under this chapter, the department may require reasonable proof of ownership by a private landowner-applicant."
4. In accordance with Env-Wt 101.60 "Navigable Frontage means the frontage that can be accessed by a boat having at least a 6 foot beam and 2 foot draft at normal high water."
5. In accordance with Rule Env-Wt 302.04, (a), Requirements for Application Evaluation, requires that the applicant provide documentation of the cumulative impacts if all applicants having similar frontage were allowed the same impacts.

Findings of Fact

1. On June 17, 2010, the Wetlands Bureau received an application for surface water impacts on the lot identified as Wolfeboro tax map 98, lot 26, to construct a 6 ft x 30 ft walkway over public waters to a 6 ft x 30 ft seasonal dock on Sargents Pond.
2. The photographs submitted with the application indicate a frontage located in an area of permanently flooded emergent wetland with mounded topography and no navigable frontage.
3. The plan submitted with the application indicates a dock accessing a small mound in the pond with a second dock proposed from the mound into the waterbody.
4. The applicant submitted a tax map and plan, however the tax map and plan submitted do not indicate the applicant owns the mound in the waterbody where the proposed dock is located.
5. The plan submitted indicates the limits of the lot terminating at the shoreline with property markers set on the shoreline, the proposed dock located on a mound lakeward of the shoreline and not on the lot.
6. There was no documentation provided relative to the cumulative impacts to habitat and environmental quality if all similar non-navigable frontages were allowed boardwalks and docking facilities.

Rulings in Support of Denial

1. The applicant did not submit proof of ownership of frontage on a waterbody, therefore, pursuant to RSA 482-A:3, and RSA 482-A:11, the application is denied.
2. The applicant does not have navigable frontage on Sargents Pond, therefore the application is denied.
3. The Applicant did not submit evidence that the cumulative impacts of permitting projects of this nature had been considered as required per Rule Env-Wt 302.04, (a).

2010-01778 THE SUGAR RIVER HYDROELECTRIC POWER COMPANY, WILLI NEWPORT Unnamed Stream

Requested Action:

Dredge and fill \pm 1,120 sq. ft. of the Sugar River to riprap repair a scour hole below Sugar River Dam II, repair a stone abutment retaining wall and relocate an exposed water main.

APPROVE PERMIT:

Dredge and fill \pm 1,120 sq. ft. of the Sugar River to riprap repair a scour hole below Sugar River Dam II, repair a stone abutment retaining wall and relocate an exposed water main.

With Conditions:

1. All work shall be in accordance with plans by Turner Group dated June 14, 2010, and revised through June 29, 2010, as received by the Department on July 03, 2010.
2. Work shall be done during annual low flow conditions and in the dry.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.

10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
12. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated with native like species within three days of the completion of this project.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
15. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), Projects that alter the course of or disturb less than 200 linear feet of a river channel or its banks.
2. In correspondence received July 13, 2010, the Newport Conservation Commission confirmed approval of the Standard Dredge and Fill Application.
3. In correspondence signed May 20, 2010, the NH Division of Historic Resources commented that given plans do not change, there is no potential to cause effects.
4. In correspondence dated May 04, 2010, the NH Natural Heritage Bureau commented they currently have no record of occurrences for sensitive species near the project area.
5. The applicant has received written consent from the Town of Newport, owners of abutting lots, on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
6. The applicant has provided a waiver request per Env-Wt 204.03, to waive the NH Certified Wetlands Scientist stamp on plans as required by Env-Wt 310.01(g).
7. The jurisdictional boundaries of the Sugar River, which are depicted in submitted photographs, are obvious.
8. The applicant has stated that obtaining a NH Certified Wetland Scientist to prepare plans would be an unnecessary burden on the expedited timeframe for repair completion as requested by the Federal Energy Regulatory Commission.
9. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).
10. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
11. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
12. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
13. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

MINIMUM IMPACT PROJECT

2010-00294 MILLER/ BEANE, LAUDER & REBECCA
GILFORD Lake Winnepesaukee

Requested Action:

Repair a 6 ft x 13 ft 5 in crib supported dock accessed by a 3 ft x 37 ft 7 inch seasonal dock, and repair a 3 ft x 5 in dock connected to a 27 ft x 9 ft 8 in crib supported dock, accessed by a 4 ft x 6 ft dock from a 9 ft x 27 ft crib supported dock on an average of 302 ft

of frontage on Lake Winnepesaukee, in Gilford.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:

Repair a 6 ft x 13 ft 5 in crib supported dock accessed by a 3 ft x 37 ft 7 inch seasonal dock, and repair a 3 ft x 5 in dock connected to a 27 ft x 9 ft 8 in crib supported dock, accessed by a 4 ft x 6 ft dock from a 9 ft x 27 ft crib supported dock on an average of 302 ft of frontage on Lake Winnepesaukee, in Gilford.

With Conditions:

1. All work shall be in accordance with plans by T R Selling Engineering revision dated June 21, 2010, as received by the NH Department of Environmental Services (DES) on June 28, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Existing rocks which have fallen shall be used for repair. No Additional Rocks may be brought on site or removed from the lakebed.
10. This permit does not allow dredging for any purpose. Only material that has fallen from the pre-existing structures shall be taken from the lakebed.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location, or configuration.

**2010-00722 DS CONTRACTORS
WHITEFIELD Unnamed Wetland**

Requested Action:

Dredge and fill a total of 2,110 sq. ft. of wetlands for access and construction of four residential apartment buildings.

APPROVE PERMIT:

Dredge and fill a total of 2,110 sq. ft. of wetlands for access and construction of four residential apartment buildings.

With Conditions:

1. All work shall be in accordance with revised plans by Headwaters Hydrology, PLLC dated June 2010, as received by the Department on June 1, 2010.

2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with haybales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
4. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
5. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k).
2. The need for the proposed impact has been demonstrated by the applicant per Administrative Rule Env-Wt 302.01(b).
3. Avoidance and minimization of impacts have been demonstrated by the applicant, per Administrative Rule Env-Wt 302.03, by avoiding the larger higher functional wetlands on the property. The wetlands impacted by the project are isolated manmade wetlands.

FORESTRY NOTIFICATION

2010-01717 LYNCH, ROBERT
STEWARTSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Stewartstown Tax Map A3, Lot# 6

2010-01853 MERRIMACK CONSERVATION COMMISSION, TOWN OF
MERRIMACK Unnamed Stream

COMPLETE NOTIFICATION:
Merrimack Tax Map 5A, Lot# 63

EXPEDITED MINIMUM

2009-00399 GOFFSTOWN, TOWN OF
GOFFSTOWN Unnamed Stream

Requested Action:

Proposal to change the approved 3.5 ft. high x 5 ft. wide x 25 ft. long embedded closed box culvert to a 5 ft. x 25 ft. long polymer

coated corrugated steel pipe embedded with 1 ft. of natural stone/stream material creating a 4 ft. high x 5 ft. wide x 25 ft. long arch culvert.

APPROVE AMENDMENT:

Impact 750 sq. ft. (includes 175 sq. ft. of temporary impact) of stream and associated wetlands for the installation of 5 ft. x 25 ft. long polymer coated corrugated steel pipe embedded with 1 ft. of natural stone/stream material creating a 4 ft. high x 5 ft. wide x 25 ft. long arch culvert with associated grading, filling and headwalls. The crossing is being used to replace a previous crossing (washed out) for a section of the Goffstown Rail Trail.

With Conditions:

1. All work shall be in accordance with plans by Town of Goffstown sheet 2 of 2 revision date of April 27, 2010 and narratives, as received by DES on June 16, 2010 and regions and plan sheet 1 of 2 revision date June 22, 2010 and narratives, as received by DES on June 22, 2010.
2. The Town shall obtain temporary construction easements from affected landowners outside of the right-of-way and shall supply copies of the recorded easements to DES Wetlands File No. 2009-00399 prior to construction.
3. Work shall be done during low flow or no flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. The natural stream bottom design as noted on approved plans shall be followed.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008 (pending requested Urban Exemption File #2008-00759).
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

DES reaffirms findings with revisions.

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project will connect two sides of the Goffstown Rail Trail and provide public access to the trail.
6. The project is receiving grant funds from the New Hampshire Trails Bureau.
7. The proposed structure exceeds the maximum allowed grant by \$10,000 thousand dollars and expected to cost nearly \$35,000 dollars to complete.
8. The New Hampshire Natural Heritage Bureau ("NHB") review identified the State endangered brook floater and threatened spotted turtle, species of concern, wood turtle in the vicinity of the proposed project with a possible impact to the brook floater. The applicant was directed to the New Hampshire Fish and Game Department ("NHFGD").
9. The applicant worked with the NHFGD to revise the proposed crossing to remove the fish baffles, plunge pool and provide a natural streambed.
10. The NHFGD provided the applicant and DES with documentation (e-mail dated June 3, 2009) that their concerns have been addressed.
11. The applicant has applied for an Urban Exemption from the Comprehensive Shoreland Protection Act, RSA 483-B, which includes this section of the rail trail. The exemption is pending (File # 2008-00759).
12. The Picataquog River Local Advisory Committee (LAC) was notified of the project.
13. DES did not receive any comments from the LAC.
14. The applicant has looked at multiple designs from a single culvert design and various bridge types.
15. A standard culvert design was rejected by the Town Conservation Commission.
16. The applicant is providing a four sided box culvert with a constructed natural stream bed. The Town would have preferred a standard culvert design due to the cost of the box culvert.
17. The proposed box culvert is designed to pass a 100-year storm event and maintain and improve aquatic passage and alleviate erosion issues.
18. The applicant is finalizing an easement agreement with the abutter along the south side of the project and the permit is contingent on receipt by DES of a signed agreement before the start of construction.
19. The abutter to the south east side of the project has provided a signed written agreement for the work in wetlands that is within 20 ft. of the property in accordance with Administrative Rule Env-Wt 304.04(a).
20. The abutter within 20 ft. to the north has refused to sign an agreement and has raised several items of concern about the project.
21. In summary (the detailed abutter concerns are contained in the file, letter dated May 8, 2009, as received by DES on May 11, 2009) concerns consist of actual ownership of the land not just work within 20 ft.; the project would cause unnecessary environmental hardship that will negatively impact the shoreline and aquatic organisms and the town could pursue other practical alternatives; concerns that the culvert will provide easy access to the shoreline and requested a fence be installed because the public will be exposed to a hazard condition, the structure would be an advertisement for trespass, fences would provide a barrier to trash from entering the lake; the culvert will require dredging and they are concerned with sediment and erosion entering the lake and disruption to the natural forest block/buffer; the culvert site is a migratory feeding bed and breeding ground for turtles, ducks and geese; and feel the culvert will be an eyesore and negatively impact the views to the lake.
22. The applicant/Town provided DES with a response to the abutters concerns (the detailed response is contained in the file, letter dated June 8, 2009, as received by DES on June 10, 2009). In summary, the Town has received a stamped plan indicating the surveyed boundaries of the rail trail right-of-way; the town has worked with NHFGD to design an appropriate crossing, the town has looked at other alternatives and is trying to address cost and still provide access to the trail and views of the lake; the steep drop off along the trail is an existing conditions and the proposed culvert should not increase access because it is already accessible for those who choose to traverse steep terrain across private property, the project is already above the maximum grant available and the Town doesn't feel it is their responsibility to restrict passage onto private property, they would possibly have to provide a fence for all abutters who request it and the a fence would detract from the scenic views the trail offers; the site is an existing eroding gully eroding more toward the stream and lake each year and the installation box culvert and stabilization of the side slopes should reduce erosion, they will be using best management practices during construction, additional vegetation is planed in a future phase; the Town has worked with NHFGD to address concerns and provide proper aquatic passage and the height of the proposed crossing has been reduced to help mitigate their concerns as an eyesore, the current state of the proposed box culvert site is eroding and not very "scenic", the project will clean up the gully and create a safer passage for trail users, there is no natural formation of granite boulders, the granite slabs are part of the old railroad trestle which washed out many years ago, going on to the abutter's property to remove additional granite would increase wetlands impacts and bring disturbance closer to the lake, some granite in the impact area will be reused, there is a thick stand of growth that occurs in the spring/summer which will hide the box culvert outlet from the abutter's residence the proposed box culvert will provide access on the trail.

23. The trail is part of the Goffstown Rail Trail system and a crossing is needed and is a reasonable request to provide pedestrian passage on a trail that was intended for public use.
24. The culvert is sized to pass a 100-year storm event and has been revised to address concerns of the NHFGD.
25. The applicant has provided a waiver request per Env-Wt 204.03, to waive the written abutter permission requirement for impacts in wetlands that are within 20 feet of an abutting property lines, as required by Env-Wt 304.04.
26. The Town has attempted to acquire an agreement from the abutting property owner of land identified as tax map/lot 30/49.
27. The applicant has indicated that the abutter is not willing to provide a written agreement.
28. As noted in finding #20 the abutter also raised several items of concern which the applicant has responded to and tried to address.
29. The Town has provided plans that depicts the abutter's home is over 200 feet from the outlet of the proposed culvert and would only have limited views of the culvert.
30. The Town contends that the culvert will not negatively affect the scenic beauty and property values of the surrounding parcels, nor will it create an environmental hardship on the area.
31. The Town stated that the abutter has attended several meeting regarding the box culvert project and has voiced their disapproval of the general use of the rail trail.
32. The Town contends that moving the trail to the Mast Road sidewalk goes against the goals of the Rail Trail Committee which promotes recreational trail use for Goffstown residents and visitors to the community.
33. The Town contends that denying the application solely based on the abutter's refusal to give permission of the proposed project within 20 feet of their lot line is an economic hardship on the Town for reason described above (their response to DES) and request that a waiver be granted so that the Town can install the culvert which will allow safe trail passage, reduction in erosion and sediment migration to the lake and an overall improved stabilization to the site.
34. The photographs within the project file depict views of the site currently consist of the previous crossing slopes, granite, stream, vegetation, rip-rap slope, dwellings and transportation trailers (snowmobile/motorcycle).
35. As previously noted the Town has provided a culvert crossing that is suitable to the NHFGD and that is sized to pass a 100-year storm event. This suggests that the crossing itself should have no negative environmental impact on the site.
36. The closest abutters to the project have either given permission or are finalizing an easement agreement.
37. The existing slopes are steep and the Wetlands Bureau doesn't typically review or require fencing for safety.
38. The Town is proposing acceptable best management practices (i.e., erosion sedimentation and turbidity controls) during construction.
39. DES has not received in other comments in opposition to the proposed project.
40. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.04.
41. The waiver to Administrative Rule 304.04(a) is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

Additional/revised findings for amendment approval.

42. The amendment request is to address easement and cost issues.
43. The new design will reduce the cost to \$1,285 dollars under budget for a total cost of \$32,715.00.
44. The new structure will still pass the 100 year storm event and is embedded with natural stream material.
45. The culvert embedding material was reduced to 1 ft. in depth at the request of NHFGD.
46. DES has not received any comments in objection to the proposed revisions.

2009-02824 OLDMAN, BARBARA
NEWBURY Lake Sunapee

Requested Action:

Impact 288 sq. ft. for the removal an existing deck system and replace 2 12'x 12' cribs.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

With Findings:

1. A request for additional information dated March 08, 2010, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

2010-00944 **AMHERST, TOWN OF**
AMHERST **Souhegan River**

Requested Action:

Temporarily impact 36 square feet within the protected shoreland to construct a temporary slurry pit for a 6-inch horizontal drilling well for a water intake pipe over the bank of the Souhegan River for irrigation.

Conservation Commission/Staff Comments:

The Amherst Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 36 square feet within the protected shoreland to construct a temporary slurry pit for a 6-inch horizontal drilling well for a water intake pipe over the bank of the Souhegan River for irrigation.

With Conditions:

1. All work shall be in accordance with the 'Water Withdrawal Plans' by Keach-Nordstrom Associates, Inc. dated December 2009 and revised on 06/07/10, as received by the NH Department of Environmental Services (DES) on June 28, 2010.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require approval by the Bureau.
3. DES Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Area shall be regraded to original contours following completion of work.
7. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(w) Excavation of less than 10 linear feet within the bank and bed of a surface water that does not exceed 200 square feet in total jurisdictional impact to the bed, for installation of a dry hydrant.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A memo dated March 29, 2010 from the NH Natural Heritage Bureau (NHB) identified two (2) vertebrate species within the vicinity of the project: Banded Sunfish (*Enneacanthus obesus*) and Wood Turtle (*Glyptemys insculpta*).
6. In an email dated June 2, 2010, NH Fish and Game, Nongame and Endangered Species stated that they 'are all set' with respect to the aforementioned species identified in the above-referenced NHB memo.
7. No comments were received from the Souhegan River Local Advisory Committee.

2010-01742 **DOCKX, JEFFREY**
BELMONT **Lake Winnisquam**

Requested Action:

Repair an existing 50 linear feet of concrete retaining wall with 50 linear feet of dry laid natural stone wall, plant a vegetative buffer behind the retaining wall on Lake Winnisquam, Belmont.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 50 linear feet of concrete retaining wall with 50 linear feet of dry laid natural stone wall, plant a vegetative buffer behind the retaining wall on Lake Winnisquam, Belmont.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated May 20, 2010, as received by the NH Department of Environmental Services (DES) on July 01, 2010.
2. Work shall be done in the dry during drawdown.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Repair shall maintain existing size, location and configuration.
7. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair of existing retaining walls in the dry during draw down of public waters.

LAKES-SEASONAL DOCK NOTIF

2010-01930 BLY, RUFUS & CYNTHIA BLANDINI
WOLFEBORO FALLS Lake Wentworth

COMPLETE NOTIFICATION:

Wolfeboro Tax Map 149, Lot# 13 Lake Wentworth

X-SHORELAND VARIANCE / WA

2007-01852 MORIN, ARTHUR & KATHRYN
DERRY Beaver Lake

Requested Action:

AMENDMENT DESCRIPTION: Remove porch area from west end of primary structure and relocate to center of primary structure.
Part of deck is removed from east side of structure

Combine 2 portions of an existing primary structure and construct a foundation within the primary building setback (the "Setback") on property with approximately .12 acres on Beaver Lake in Derry.

Conservation Commission/Staff Comments:

Existing structure subject to flooding from stormwater runoff from road.

Inspection Date: 08/28/2007 by Thomas Gilbert

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Remove porch area from west end of primary structure and relocate to center of primary structure.
Part of deck is removed from east side of structure.

Combine 2 portions of an existing primary structure and construct a foundation within the primary building setback (the "Setback") on property with approximately .12 acres on Beaver Lake in Derry.

With Conditions:

1. All work shall be conducted in accordance with building plans, stormwater control plans, and landscaping plans by CLD Consulting Engineers dated June 29, 2007 and received by the Department of Environmental Services ("DES") on July 2, 2007.
2. This Waiver shall not be effective unless and until it has been recorded at the Merrimack County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on the plans entitled "Grading & Erosion Control Plan" within the Setback.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 3. In the event condition 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
8. All proposed vegetation shall be planted by July 1, 2008. Plantings shall have a 90% survival success rate by October 31, 2008. An initial monitoring report shall be submitted to DES by November 15, 2008 documenting the success of the plantings. In the event that construction is delayed, the Applicant shall submit a written request to DES to plant the proposed vegetation at a later date.
9. There shall be no substitutions made for the plant species specified on the approved plan without prior written approval from DES.
10. The Applicant shall install the proposed septic system within 2 months of completion of the proposed primary structure.
11. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
14. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
15. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
16. DES and the Town of Newbury, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

2007-02009 MORIN, ARTHUR & KATHRYN
DERRY Beaver Lake

Requested Action:

AMENDMENT DESCRIPTION: Add a 24 ft by 5ft porch to the west side of primary structure. Deck on south side of structure is removed.

Raise and expand an existing structure located with the primary building setback (the "Setback") on a .18 acre lot on Beaver Lake in Derry.

Conservation Commission/Staff Comments:

Existing structure subject to flooding from stormwater runoff from road.

Inspection Date: 08/28/2007 by Thomas Gilbert

APPROVE AMENDMENT:

Raise and expand an existing structure located with the primary building setback (the "Setback") on a .18 acre lot on Beaver Lake in Derry.

With Conditions:

1. All work shall be conducted in accordance with building plans by Arthur Morin received by the Department of Environmental Services ("DES") on August 28, 2007.
2. This Waiver shall not be effective unless and until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded document is sent to DES by certified mail, return receipt requested.
3. Neither the Owner nor any subsequent owner shall construct, expand, install or otherwise create any impervious surface, other than those shown on building plans by Arthur Morin received by the DES on August 28, 2007, within the Setback.
4. This Waiver shall run with the land and be binding upon the Owner and all subsequent owners of the Subject Property.
5. The authorization provided herein is contingent upon the restriction of use within the Setback described above in condition 3. This authorization shall become null and void in the event the Owner or any subsequent owners violate condition 3. In the event condition 3 is violated, the State may seek appropriate relief including, but not limited to, removal of the structure authorized herein.
6. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. A copy of the recorded Waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
10. This Waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.

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11. The owner shall maintain compliance with all other applicable requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.
12. DES and the Town of Derry, pursuant to RSA 483-B:8, III, shall have the right to enforce the terms and conditions of this Waiver, including collection of their reasonable costs and attorneys' fees in bringing any such action.

PERMIT BY NOTIFICATION

2010-01387 TULLAR, STEVEN & SHARYN
WALPOLE Unnamed Pond

Requested Action:

Maintenance dredge an approximate 2,400 sq. ft. man-made pond.

APPROVE PERMIT:

Maintenance dredge an approximate 2,400 sq. ft. man-made pond.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(3), Maintenance dredging that meets the criteria in Env-Wt 303.04(k).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2010-01730 WINNISQUAM BEACH RESORT ASSOCIATION
BELMONT Winnisquam Lake

Requested Action:

Installation of a seasonal boat lift in an existing slip.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Installation of a seasonal boat lift in an existing slip.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ac), installation of a seasonal boat lift in an existing slip.

2010-01832 KELLER, ALAN
WAKEFIELD Great East Lake

Requested Action:

Repair existing retaining wall during draw down.

PBN IS COMPLETE:

Repair existing retaining wall during draw down.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), repair existing retaining wall during draw down.

2010-01927 BATTREALL, STEPHEN & SUSAN
SUNAPEE Mountain View Lake

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2010-01928 MCCLURE, DAVID
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com did not sign PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2010-01955 MORGAN REVOC TRUST, JANE
TUFTONBORO Lake Winnepesaukee

Requested Action:

Install a 7 ft x 3 ft anchor pad for a 6 ft x 36 ft seasonal dock.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Install a 7 ft x 3 ft anchor pad for a 6 ft x 36 ft seasonal dock.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ab), construction of an anchoring pad for a seasonal dock.

CSPA PERMIT

2009-02769 JOHNSON, STEVE AND MARTHA
WOLFEBORO Lake Winnepesaukee

Requested Action:

AMENDMENT DESCRIPTION: Septic system relocated, garage and road realigned, Two building removed, proposed addition enlarged, stormwater plans added with some pervious surfaces included, and modification to landscape and grading reflected in amended plans. Total post-impervious area located within 250 ft of the reference line is 20.1%.

Impact 12,698 sq ft to add on to existing structure master bedroom on lot 30, tear down dwelling on lot 29, update septic.

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Septic system relocated, garage and road realigned, Two building removed, proposed addition enlarged, stormwater plans added with some pervious surfaces included, and modification to landscape and grading reflected in amended plans. Total post-impervious area located within 250 ft of the reference line is 20.1%.

Impact 12,698 sq ft to add on to existing structure master bedroom on lot 30, tear down dwelling on lot 29, update septic.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated October 1, 2009 and received by the Department of Environmental Services ("DES") on November 20, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 28.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 2,068 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,040 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00184 GORDON, NORA KELLS
HARRISVILLE Silver Lake

Requested Action:

Amendment Description: Decrease the primary structure 8 in on west side toward Silver Lake. The deck will increase from 5 ft 4 in to 6ft toward lake. Temporary and permanent impact areas are to remain the same.

Impact 673 sq ft for the removal of an existing cabin and the construction of a new cabin with attached deck all on concrete piers.

APPROVE AMENDMENT:

Amendment Description: Decrease the primary structure 8 in on west side toward Silver Lake. The deck will increase from 5 ft 4 in to 6ft toward lake. Temporary and permanent impact areas are to remain the same.

Impact 673 sq ft for the removal of an existing cabin and the construction of a new cabin with attached deck all on concrete piers.

With Conditions:

1. All work shall be in accordance with plans by Nora Kells Gordon dated January 1, 2010 and received by the Department of Environmental Services ("DES") on January 29, 2010.
2. No more than 6.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,825 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,518 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00702 LEWICKI, ROY & DEBORAH
LYME Post Pond

Requested Action:

Impact 196 sq ft for the purpose of filling a wetland area.

DENY PERMIT:

Impact 196 sq ft for the purpose of filling a wetland area.

With Findings:

1. In accordance with RSA 483-B:5-b, V, (a), Permit Required; Exemption, "Within 30 days of receipt of an application for a permit or 75 days of receipt of an application for a permit that will require a variance of the minimum standard of RSA 483-B:9, V or a waiver of the minimum standards of RSA 483-B:9, Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application."
2. On April 20, 2010 the Department issued a Request for More Information Letter to the Applicant notifying them that additional information was required to complete their file.
3. The Department's letter specified that if the information requested was not received by June 21, 2010, their application would be denied.
4. The Applicant failed to submit the requested information by June 21, 2010 and, therefore, the application is denied in accordance with RSA 483-B:5-b, V, (a).

2010-01354 KERTON, JUDITH
HAMPTON Atlantic Ocean

Requested Action:

Impact 200 sq ft for the construction of a 20 ft x 30 ft deck on existing house.

APPROVE PERMIT:

Impact 200 sq ft for the construction of a 20 ft x 30 ft deck on existing house.

With Conditions:

1. All work shall be in accordance with plans by RAM Engineering dated July 22, 2010 and received by the NH Department of Environmental Services (DES) on July 22, 2010.
2. No more than 30% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. No areas currently in an unaltered state shall be disturbed as a result of this project.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-01658 M2DK LLC
ALTON Lake Winnepesaukee

Requested Action:

Impact 13,560 sq ft for the construction of house, detached garage, driveway and two septic areas.

APPROVE PERMIT:

Impact 13,560 sq ft for the construction of house, detached garage, driveway and two septic areas.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated May 24, 2010 and received by the NH Department of Environmental Services (DES) on June 24, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau."
3. No more than 19.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,774 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,774 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01685 ONEILL, VINCENT
NEWBURY Sunapee Lake

Requested Action:

Impact 2180 sq ft to remove an existing parking area and construct a 990 sq ft primary structure and a pervious parking area.

APPROVE PERMIT:

Impact 2180 sq ft to remove an existing parking area and construct a 990 sq ft primary structure and a pervious parking area.

With Conditions:

1. All work shall be in accordance with plans by Lake Sunapee Survey dated April 20, 2010 and received by the NH Department of Environmental Services (DES) on Jun 23, 2010.
2. This permit on the ability of the owners to utilize the existing municipal sewer system.
3. No more than 45% of the area of the lot within the protected shoreland shall be covered by impervious surfaces.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Dripline trenches shall be installed around the perimeter of the proposed structure in order to catch and infiltrate stormwater.

With Findings:

1. This project is approved pursuant to RSA 483-B:10, Nonconforming Lots of Record.

2010-01704 BEVERIDGE, DANIEL
NEW DURHAM Merrymeeting Lake

Requested Action:

Impact 4,968 sq ft for the modification of an existing, occupied foundation and the construction of a stairway, garage, entry, and deck.

APPROVE PERMIT:

Impact 4,968 sq ft for the modification of an existing, occupied foundation and the construction of a stairway, garage, entry, and deck.

With Conditions:

1. All work shall be in accordance with plans by Tony Fallon Architecture dated June 28, 2010 and received by the NH Department of Environmental Services (DES) on June 29, 2010.
2. No more than 18.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. The project as proposed will leave approximately 2760 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,591 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2010-01709 RITCHIE, WILLIAM
STODDARD Dead Pond**

Requested Action:

Impact 1000 sq ft for the relocation of existing driveway.

APPROVE PERMIT:

Impact 1,000 sq ft for the relocation of existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Ritchie William dated June 30, 2010 and received by the NH Department of Environmental Services (DES) on June 30, 2010.
2. No more than 8.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-01713 ASSOCIATION DOUCET INC
NASHUA Salmon Brook**

Requested Action:

Impact 20,350 sq ft for the construction of gravel driveway, a telecommunications tower compound and utilities.

APPROVE PERMIT:

Impact 20,350 sq ft for the construction of gravel driveway, a telecommunications tower compound and utilities.

With Conditions:

1. All work shall be in accordance with plans by Cuoco Cormier Engineering Associates, Inc. dated May 28, 2010 and received by the NH Department of Environmental Services (DES) on June 30, 2010.
2. No more than 10.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 70,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 61,245 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01736 STURTEVANT, RYAN
NEWPORT Sugar River

Requested Action:

Impact 9600 sq ft for the construction of a new house, driveway, garage, and septic system.

APPROVE PERMIT:

Impact 9600 sq ft for the construction of a house, driveway, garage and septic system.

With Conditions:

1. All work shall be in accordance with plans by Pennyroyal Hill Land Surveying & Forestry LLC dated June 28, 2010 and received by the NH Department of Environmental Services (DES) on July 2, 2010.
2. No more than 10.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 10,640 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,822 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

2010-01751 HUGHES, ROBERT & JUDITH
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 607 sq ft for the installation of a 4 ft wide path to waterfront and the replacement of two retaining walls.

APPROVE PERMIT:

Impact 607 sq ft for the installation of a 4 ft wide path to waterfront and the replacement of two retaining walls.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants LLC dated June 28, 2010 and received by the NH Department of Environmental Services (DES) on July 3, 2010.
2. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional

approval is obtained from DES.

3. All proposed planting areas depicted on the approved plans shall be installed and completed within six (6) months of the walkway and retaining wall construction completion.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01752 DUATO, ALLISON/MARK
ENFIELD Crystal Lake

Requested Action:

Impact 16,540 sq ft (9,082 sq ft temporary impacts and 7,454 sq ft permanent impacts) for the construction of a house with attached deck, patio, driveway, septic system, and two parking platform.

APPROVE PERMIT:

Impact 16,540 sq ft (9,082 sq ft temporary impacts and 7,454 sq ft permanent impacts) for the construction of a house with attached deck, patio, driveway, septic system, and two parking platform.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers dated June 2010 and received by the NH Department of Environmental Services (DES) on July 6, 2010.
2. No more than 22.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,026 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 3,415 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. Silt fencing must be removed once the area is stabilized.
13. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

14. The Applicant shall install the proposed stormwater controls to meet the requirements of RSA 483-B:9, V, (g), prior to the completion of the proposed primary structure.

2010-01756 SPITZ, BARBARA & RICHARD
MERRIMACK Souhegan River

Requested Action:

Impact 1922 sq ft for the construction of a 36 ft x 48 ft garage and driveway. Approximately 1000 sq ft of the proposed garage and driveway will be located within the 250 ft protected shoreland buffer of the Souhegan River.

APPROVE PERMIT:

Impact 1922 sq ft for the construction of a 36 ft x 48 ft garage and driveway. Approximately 1000 sq ft of the proposed garage and driveway will be located within the 250 ft protected shoreland buffer of the Souhegan River.

With Conditions:

1. All work shall be in accordance with plans by Meridian Lands Services, Inc. dated June 30, 2010 and received by the NH Department of Environmental Services (DES) on July 6, 2010.
2. No more than 4.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 45,542 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 22,721 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2010-01757 CAPONE, MARK & HEIDI
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 4171 sq ft for the construction of a cottage and new septic system.

APPROVE PERMIT:

Impact 4171 sq ft for the construction of a cottage and new septic system.

With Conditions:

1. All work shall be in accordance with plans by Cynthia Folsom, Folsom Design & Construction Management dated May 20, 2010 and received by the NH Department of Environmental Services (DES) on July 6, 2010.
2. No more than 9.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1623 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1529 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. There shall be no alteration to the bank of Lake Winnepesaukee as a result of the temporary 12 ft wide access path unless a Wetlands Permit is obtained in accordance with RSA 482-A.

7. Erosion and siltation controls across the 12 ft wide access path shall be properly installed and maintained at all times the path is not being traversed.

8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

12. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-01759 HEWITT, MICHAEL & PATRICIA
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 560 sq.ft. for the installation of a perforated drywell and grate drain.

APPROVE PERMIT:

Impact 560 sq.ft. for the installation of a perforated drywell and grate drain.

With Conditions:

1. All work shall be in accordance with plans by Belknap Landscape Co., Inc. dated July 1, 2010 and received by the NH Department of Environmental Services (DES) on July 6, 2010.

2. No more than 33.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/WAIVER

2010-01733 SAWYER, JAMES
GILFORD Lake Winnepesaukee

Requested Action:

Impact 1,765 sq ft to remove a residential structure, expand one of two remaining residential structures, construct a shed and two bio-retention areas.

APPROVE PERMIT:

Impact 1,765 sq ft to remove a residential structure, expand one of two remaining residential structures, construct a shed and two bio-retention areas.

WAIVER APPROVED: RSA 483-B:9, II, (b) is waived to allow for the expansion of an existing nonconforming structure.

With Conditions:

1. All work shall be in accordance with plans by Pollock Land Planning, LLC dated May 26, 2010 and received by the NH Department of Environmental Services (DES) on July 2, 2010.
2. This approval includes a waiver of RSA 483-B:9, II, (b) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 24.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The bio-retention areas shall be completed, including plantings, within one year of the initiation of construction.
5. The plantings in the waterfront buffer shall be completed within one year of the initiation of construction
6. The vegetation planted within both the bio-retention areas and the waterfront buffer shall be monitored, and if necessary, replaced, to ensure 100% survival rate for a period two years following construction.
7. The vegetation planted within the bio-retention areas shall not be removed without the written approval of DES.
8. The project as proposed shall not impact any area currently in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structures are located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in a reduction in impervious surface area within the protected shoreland, improved surface run-off treatment through the creation of bio-retention areas, and improved vegetated buffers along the shoreline.
4. The applicant has proposed to improve stormwater retention and treatment and habitat within the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

UTILITY NOTIFICATION

2010-01983

PSNH

LITCHFIELD Unnamed Stream Unnamed Wetlands

